

DUMONT JOINT LAND USE BOARD MINUTES FOR MARCH 25, 2014 MEETING

MINUTES

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**March 25, 2014
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on March 25, 2014. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

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|-----------------------------|---|---------------------|---|---------------------------|---|
| Thomas Trank | P | Michael Affrunti | P | Councilman Matthew Hayes | P |
| Michael Worner | P | Timothy Hickey | P | Elmer Pacia | P |
| William Goodman | A | Barbara Chen | P | Michael Cremin Alt # 1 | P |
| Alfred Moriarty Alt # 2 | P | Janet Masio Alt # 3 | P | Mynor Frank Lopez Alt # 4 | P |
| Chairman William Bochicchio | P | | | | |

Others: Board Attorney – Mark D. Madaio, Esq.: Mark Madaio-P
Board Engineer – Boswell Engineering: James Fordham-NA
Board Planner – Maser Consulting: Darlene Green-NA
Board Clerk - Rosalia Bob-P

BUSINESS: Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he will go to the building department to sign off on the items.

BUSINESS: Approval of February 2014 Minutes and February Closed Session 2014 Minutes

February Minutes

Motion to Approve: Thomas Trank

2nd by: Michael Affrunti

All in Favor

February Closed Session Minutes

Motion to Approve: Thomas Trank

2nd by: Michael Affrunti

All in Favor

BUSINESS: Discussion on Board Correspondence

Chairman William Bochicchio states that there is no board correspondence so he will be tabling this item till the following month's meeting.

BUSINESS: Discussion and Review of Proposed Zoning Ordinance-West Shore Avenue

Chairman William Bochicchio begins the discussion by stating that West Shore Avenue is in the B2 zone, which complies with the borough's Master Plan. Mark Madaio states that the board planner verified that the proposed zoning is within the Master Plan.

Chairman William Bochicchio opens the West Shore zoning review to the public

John Erickson asks who will be maintaining the railroad section of West Shore Avenue. Chairman William Bochicchio states that the board is only correcting the zoning in that area. Mark Madaio explains that the railroad maintains its own property and the borough maintains borough property.

Chairman William Bochicchio closes the West Shore zoning review to the public

Chairman William Bochicchio calls for a motion from the board.

Motion to Approve: Michael Affrunti

2nd by: Barbara Chen

ROLL CALL:

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|-----------------------------|----|---------------------|----|---------------------------|----|
| Thomas Trank | Y | Michael Affrunti | Y | Councilman Matthew Hayes | Y |
| Michael Worner | Y | Timothy Hickey | Y | Elmer Pacia | Y |
| William Goodman | NA | Barbara Chen | Y | Michael Cremin Alt # 1 | Y |
| Alfred Moriarty Alt # 2 | NA | Janet Masio Alt # 3 | NA | Mynor Frank Lopez Alt # 4 | NA |
| Chairman William Bochicchio | Y | | | | |

Mark Madaio states that the Mayor and Council will be notified that the board approved the proposal of the zoning ordinance for West Shore Avenue and that a resolution will be forthcoming after the joint land use board's next meeting.

* Chairman William Bochicchio states that there is a large number of residents in attendance and asks to make a statement. He explains to the residence that there has never been an application from the developer for the DeAngelo's property to the building department and there has never been an application to the joint land-use board. He states that no application has been seen whatsoever and that the borough is in pending litigation with the developer. He explains that anything that is said at the joint land use board meetings and anything that is said at the Mayor and Council meetings can be used against the borough in court. He states that all of the members on the board are volunteers, everyone lives in town and that everyone on the joint land use board wants what's best for the borough. He indicates to the residence that he doesn't want to see them spending any money on such things like signs because no one should be making a profit on this situation and he asks if anyone would like to speak, to please do so. Timothy Hickey asks if the board attorney would give a summation of the process of the joint land use board to the residences. Mark Madaio explains that when an application is received by the joint land use board they have a meeting, the public is notified and it can take time. He states that this situation it's different because we have no application to the board.

Chairman William Bochicchio calls for a motion to open to the public.

Motion to Open: Barbara Chen

2nd by: Thomas Trank

Brendan Keating at 64 Wilkins Drive states that the borough's plan submitted to COAH details that there should be only 12 units per acre; he asks if that was the minimum by law to cover. Chairman William Bochicchio states yes.

John Sansone at 1 Beacon Street asks if anyone on the board feels that 84 units per acre is disastrous to the borough. Chairman William Bochicchio explains that the board cannot comment on this. Mr. Sansone states to the board that they are going to keep coming to every joint land-use board meeting to get their feelings heard. Mr. Sansone asks about the new two family house on New Milford Avenue. Chairman William Bochicchio states that did not come before the board. The zoning officer, Steve Cavadias explains that the property owner had a letter from the borough back in 2006 granting him two family status for that lot as long as the new dwelling was built on the existing slab. He explains that is wasn't until 2007 when the Master Plan was changed that new two families were no longer allowed.

Mike Rossi at 129 Summit states that back in the 1990s DeAngelo's property was brought up by the borough and that they wanted to buy it and make it a park. Chairman William Bochicchio explains that in 1997 they had changed the Master Plan making that property zoned as a park. He states that fair market value for the borough to purchase the land was incredibly high then and is incredibly high now. Mr. Rossi asked if there is something detrimental to the borough can it be proven in court to have this lawsuit be dismissed. Mark Madaio explains that the borough attorney, Greg Pastor is going to argue points in court. He states that those are all things the court should consider but the court has taken this out of the borough's hands. He explains that the court will appoints a

planner that will come up with a density proposal that would be considered fair by both parties involved.

Lily Binny at 32 Roxbury Road asks about the status of the COAH application and asks about the Master Plan amendment. Chairman William Bochicchio states that he has a letter indicating that the COAH submission was received by the state and he explains the amount of credits that the borough has earned. He explains that the state has given the borough credits because the submission is being reviewed and he states that the borough's COAH application won't be deemed complete until after COAH is out court. Mrs. Vinny states that without DeAngelo's property the borough is 17 units short. She explains that the borough has no open-space and that the governing body needed to be proactive in finding these 17 units. Timothy Hickey states that over the course of many years the regulations for COAH have changed and that the borough has been proactive. Chairman William Bochicchio explains that the borough did not get to 207 units because they weren't vigilant. He states that most of the units within COAH for the borough had fallen within senior housing and that the borough has ample senior housing. Chairman William Bochicchio explains that prior administrations had thought that with all the housing the borough has, that the borough would be fine but the COAH rules changed and senior housing was halved in its value of units. He states that the borough also thought they had the right of first refusal to have the borough purchase the property but regulations over the years had changed. Chairman William Bochicchio details that the borough cannot afford to give money to private property owners for COAH units. Mrs. Vinny asks if the borough has assessed the fair market value for the DeAngelo's property. Chairman William Bochicchio states no, the borough has not done so. He explains to the residents that everyone on the board is in the same situation as every resident within the borough in regards to this situation.

Christine from Roxbury Road asks what would be the shortest and longest time frame of how long this litigation could take. Mark Madaio explains that he cannot answer that question because each litigation has its own timeframe.

Chairman William Bochicchio calls for a motion to close to the public.

Motion to Close: Michael Worner

2nd by: Frank Lopez

Motion to Adjourn: Thomas Trank

2nd by: Councilman Matthew Hayes

Minutes respectfully submitted by:

Rosalia Bob

Joint Land Use Board Clerk